

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

HOAU-YAN WANG,

Defendant.

CRIMINAL NO: TDC-24-211

**GOVERNMENT’S NOTICE OF INTENT TO RELY ON
902(11), 902(13), AND 902(14) CERTIFICATIONS**

The United States, by and through undersigned counsel, hereby provides notice of its intent to rely on certifications made under Rules 902(11), 902(13), and 902(14) of the Federal Rules of Evidence to authenticate records within the below-identified materials at trial. These items “require no extrinsic evidence of authenticity in order to be admitted.” Fed. R. Evid. 902. Furthermore, the documents referenced below that are certified pursuant to Rule 902(11) are records of regularly conducted activity under Federal Rule of Evidence 803(6) and are not barred from admission by the rule against hearsay.

Specifically, the government intends to authenticate materials at trial produced by the below-identified custodians using the corresponding certifications.

Fed. R. of Evid.	Custodian	Certification Bates Number¹	Certified Documents Bates Range
902(11) and 902(13) ²	Abilene Christian University	USDOJ3-0000332744	USDOJ1-0000000001 - USDOJ1-0000014900

¹ For certifications recently obtained, the government attaches these certifications as Exhibit 1. These materials are not yet Bates numbered. The government will produce Bates numbered versions of the materials in a forthcoming production to the defendant.

² The Abilene Christian University certification references both Federal Rules of Evidence 902(11) and 902(13), and the production contains both business records, as well as communications. The government is not relying on Federal Rule of Evidence 902(11) for the communications in that production. Instead, the government is relying on that certification only to authenticate communications under Federal Rule of Evidence 902(13), because the communications are still subject to a hearsay analysis. For the remainder of the records, the government intends to rely on the 902(11) certification to authenticate those documents and to satisfy Federal Rule of Evidence 803(6) as records of regularly conducted activity.

Fed. R. of Evid.	Custodian	Certification Bates Number¹	Certified Documents Bates Range
902(11)	Apple Inc. Subpoena Production	USDOJ3-0000332758	USDOJ3-0000332746 - USDOJ3-0000332763
902(13) and 902(14)	Apple Inc. Warrant Certification	Exhibit 1 at 1	USDOJ1-0000019642 - USDOJ1-0000136006
902(11)	Axiom	USDOJ3-0000332775	USDOJ1-0000017238 - USDOJ1-0000019641, USDOJ3-0000332774 - USDOJ3-0000332777, USDOJ3-0000343173 - USDOJ3-0000346007
902(13) and 902(14)	Cassava Sciences	USDOJ6-0000000173 and USDOJ6- 0000000174	USDOJ1-0000138393 - USDOJ1-0000148854 USDOJ2-0000000001 - USDOJ2-0000009823 USDOJ2-0000033837- USDOJ2-0000546153 USDOJ3-0000000001 - USDOJ3-0000134671
902(11)	Charles Schwab	USDOJ3-0000332824	USDOJ3-0000332822 - USDOJ3-0000335509
902(11)	Citibank North America	USDOJ3-0000335512	USDOJ3-0000335510 - USDOJ3-0000335906
902(11), 902(13), and 902(14)	CUNY	Exhibit 1 at 2-5	USDOJ4-000305532 USDOJ4-0000305526 - USDOJ4-0000305554
902(11)	Department of Health and Human Services	Exhibit 1 at 13	USDOJ3-0000341961
902(11) and	Discord Inc.	USDOJ3-0000335920	USDOJ3-0000332742 - USDOJ3-0000332743

Fed. R. of Evid.	Custodian	Certification Bates Number¹	Certified Documents Bates Range
902(13) ³			USDOJ3-0000335918 - USDOJ3-0000346024
902(11)	Equifax	USDOJ3-0000335924	USDOJ3-0000335922 - USDOJ3-0000335966
902(13), and 902(14)	Google	Exhibit 1 at 6-12	USDOJ4-0000010617 - USDOJ4-0000098137
902(11)	JP Morgan Chase Bank	USDOJ3-0000346085 (certification on page 2 USDOJ3- 0000346086) USDOJ3-0000346459 (certification on page 2 USDOJ3- 0000346460)	USDOJ3-0000337941 - USDOJ3-0000346455 USDOJ3-0000346456 - USDOJ3-0000348954
902(11)	National Institutes of Health	Exhibit 1 at 14-17	USDOJ4-0000102382 - USDOJ4-0000103803 USDOJ3-0000577860 - USDOJ3-0000580843 USDOJ4-0000103804 - USDOJ4-0000108163 USDOJ4-0000109165 - USDOJ4-0000109166 USDOJ4-0000745512 - USDOJ4-0000745514
902(11)	SERDI Publisher	USDOJ3-0000349327	USDOJ4-0000363550 - USDOJ4-0000363617
902(11)	Verizon	USDOJ3-0000338810	USDOJ3-0000338296 - USDOJ3-0000339074

³ The Discord Inc. certification references both Federal Rules of Evidence 902(11) and 902(13), and the production contains both business records, as well as communications. The government is not relying on Federal Rule of Evidence 902(11) for the communications in that production. Instead, the government is relying on that certification only to authenticate communications under Federal Rule of Evidence 902(13), because the communications are still subject to a hearsay analysis. For the remainder of the records, the government intends to rely on the 902(11) certification to authenticate those documents and to satisfy Federal Rule of Evidence 803(6) as records of regularly conducted activity.

Fed. R. of Evid.	Custodian	Certification Bates Number ¹	Certified Documents Bates Range
			USDOJ3-0000349328 - USDOJ3-0000349553 USDOJ3-0000349554 - USDOJ3-0000349786

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Absent a valid challenge to the authenticity of these records, the United States seeks to introduce certain records identified above at the trial of the defendant without a witness present in court to state what is already set forth in the certifications.

Respectfully submitted,

LORINDA I. LARYEA
Acting Chief
Fraud Section, Criminal Division
United States Department of Justice

By: /s/Kashan Pathan
Kashan Pathan
Andrew Tyler
Vasanth Sridharan
Fraud Section, Criminal Division
United States Department of Justice
Attorneys for the Government

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send notice to all counsel of record.

_____/s/
Kashan Pathan, Trial Attorney
Fraud Section, Criminal Division
United States Department of Justice